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To:	Examiner: John Hardee Group Art Unit: 1751	From:	Brenda D. Wentz Reg. No. 48,643
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Phone:	571-272-4984	Phone:	(864) 503-1597
Subject:	Application Serial No.: 10/783,729 Filed: February 20, 2004 Applicant: Chan et al. Title: Compositions and Methods for Cleaning Textile Substrates Attorney Docket: 5719	Date:	January 4, 2007
Copies:		Pages:	8 (including cover)

Comments:

Transmittal Sheet- 1 page

Response to Restriction Requirement-3 pages

Exhibit 1-2 pages

Exhibit 2- 1 page

Auto-Reply Facsimile Transmission- 1 page

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U.S. PTO Customer No. 25280

Case #5719

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Chan et al.
Serial Number: 10/783,729
Filed: February 20, 2004
Title: Compositions and Methods For Cleaning Textile Substrates
Group Art Unit: 1751
Examiner: Hardee, John R.

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I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-0300.

Date: January 4, 2007

Signature: 

Name: Melody Towery

RESPONSE TO RESTICTION REQUIREMENT

Honorable Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This reply is respectfully submitted in response to the Restriction Requirement dated October 23, 2006. This reply was previously submitted by facsimile to the USPTO on November 20, 2006. However, a copy of this reply has not appeared in the USPTO PAIR System. As such, Applicants are submitting this reply for a second time. Also submitted herewith is a copy of the USPTO Auto-Reply Facsimile Transmission sheet as evidence that the USPTO did indeed receive a copy of this reply on November 20, 2006.

The Examiner submits that Claims 1-25 and 27-39 are generic to the following disclosed patentably distinct species:

1. the absorbent particulates of part (a);
2. the surfactants of part (b);
3. the dispersion stabilizing agents of part (c).

Applicant is required under 35 USC Section 121 to elect a single disclosed species of each component of the composition.

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Applicants respectfully submit that the Examiner has improperly imposed this claim restriction after already performing a detailed search of claims 1 – 39 (see Office Actions dated January 12, 2005; July 29, 2005; December 5, 2005; June 13, 2006 shown on the prosecution history list attached hereto as Exhibit 1). These Office Actions contained claim rejections based upon prior art found from the Examiner's search (see Examiner's search list attached hereto as Exhibit 2).

Furthermore, the Office Action dated December 5, 2005 was a Final Office Action. MPEP Section 811.02 and 37 CFR Section 1.142(a) clearly state that a restriction is proper at any stage of prosecution up to final action. Thus, since Applicants received a Final Office Action (dated December 5, 2005) on the merits of the application, Applicants respectfully submit that a restriction requirement at this time is improper. Applicants further note that the claims were not amended at any time after the Final Office Action, thereby eliminating any further basis for the Examiner to impose the restriction requirement at this time. (The claims were last amended in the Response and Amendment dated October 27, 2005, which was prior to the Final Office Action.)

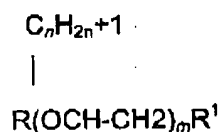
Lastly, Applicants respectfully note that the Examiner does not seem to have responded to Applicants' last Response which was submitted electronically by Applicants on October 12, 2006, and which included a 1.132 Affidavit from the inventor and Exhibits A – C. This Response was sent in reply to the Non-Final Office Action dated June 13, 2006.

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Accordingly, Applicants respectfully request withdrawal of this restriction requirement. In the event the Examiner fails to do so, Applicants elect with traverse the following species:

1. the absorbent particulates of part (a) – urea formaldehyde polymer;
2. the surfactants of part (b) – nonionic surfactant having the formula:



where n is 0 or 1, m is 3 to 20, R¹ is OH or OCH₃, R is C₁₂ to C₂₂ alkyl or phenyl or naphthyl optionally substituted by C₁ to C₁₀ alkyl groups;

3. the dispersion stabilizing agents of part (c) – clay compounds.

Applicants respectfully reserve the right to file the non-elected species in a divisional application.

Respectfully submitted,

January 4, 2007

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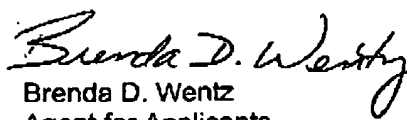

Brenda D. Wentz
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EXHIBIT 1

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10/783,729 Compositions and methods for cleaning textile substrates

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
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Transaction History

Date	Transaction Description
10-23-2006	Mail Restriction Requirement
10-19-2006	Requirement for Restriction / Election
10-12-2006	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
10-17-2006	Date Forwarded to Examiner
10-12-2006	Response after Non-Final Action
10-12-2006	Request for Extension of Time - Granted
06-13-2006	Mail Non-Final Rejection
* 06-12-2006	Non-Final Rejection
09-12-2005	Information Disclosure Statement considered
06-02-2006	Workflow - Request for RCE - Begin
06-06-2006	Date Forwarded to Examiner
06-06-2006	Date Forwarded to Examiner
06-02-2006	Request for Continued Examination (RCE)
06-06-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
06-02-2006	Request for Extension of Time - Granted
12-05-2005	Mail Final Rejection (PTOL - 326)
* 11-30-2005	<u>Final Rejection</u>
11-08-2005	Date Forwarded to Examiner
10-27-2005	Response after Non-Final Action
09-12-2005	Reference capture on IDS
09-12-2005	Information Disclosure Statement (IDS) Filed
07-29-2005	Mail Non-Final Rejection
* 07-28-2005	Non-Final Rejection
07-26-2005	Case Docketed to Examiner in GAU
05-11-2005	Date Forwarded to Examiner

04-12-2005	Response after Non-Final Action
01-12-2005	Mail Non-Final Rejection
* 01-10-2005	Non-Final Rejection
11-22-2004	IFW TSS Processing by Tech Center Complete
07-29-2004	Reference capture on IDS
07-29-2004	Information Disclosure Statement (IDS) Filed
11-22-2004	Case Docketed to Examiner in GAU
10-18-2004	Transfer Inquiry to GAU
09-10-2004	Application Return from OIPE
09-10-2004	Application Is Now Complete
09-10-2004	Pre-Exam Office Action Withdrawn
09-10-2004	Application Return TO OIPE
09-10-2004	Application Return from OIPE
09-10-2004	Application Return TO OIPE
09-10-2004	Application Return from OIPE
09-10-2004	Application Is Now Complete
09-10-2004	Pre-Exam Office Action Withdrawn
09-10-2004	Application Return TO OIPE
09-10-2004	Application Dispatched from OIPE
09-10-2004	Application Is Now Complete
05-07-2004	A statement by one or more inventors satisfying the requirement
05-07-2004	Additional Application Filing Fees
05-14-2004	Notice Mailed--Application Incomplete--Filing Date Assigned
03-24-2004	Cleared by OIPE CSR
03-07-2004	IFW Scan & PACR Auto Security Review
02-20-2004	Initial Exam Team nn

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Search Notes	
	Application No. 10783.729 Examiner Derrick G. Hamlin
Applicant(s) CHAN ET AL. Art Unit 1751	

EXHIBIT 2

SEARCHED			
Class	Subclass	Date	Examiner
8	115.51	1/9/2005	DGH
	137		
	137.5		
510	109		
	405		

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
East search of DERWENT , JPO, EPO, USPAT, USPGPUB and PALM inventor search of copending cases.	1/9/2005	DGH

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

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Application Serial No.: 10/453,728 Filed: February 20, 2004 Applicant: Chen et al. Subject: COMPOSITIONS AND METHODS FOR CLEANING TEXTILE SUBSTRATES Attorney Docket: 5719					
Date:		November 20, 2006			
Copies:			Pages:	7 (including cover)	
Comments: Transmittal Sheet- 1 page Response to Restriction Requirement- 3 pages Exhibit 1 - 2 pages Exhibit 2- 1 page					
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